

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL**

For the Regular Meeting of **MONDAY, AUGUST 15, 2005**

The Meeting was called to order at 7:30 p.m. by Mayor Shores and City Clerk Betty Morlock called Roll.

Present: Councilmembers Hodges, Pfaller, Mayor Pro Tem Myers and Mayor Shores.

Absent: Councilmember Mathews.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Chief of Police Jim Valentine, Waste Water Treatment Plant Superintendent Mark Mundt, Planning Commission Chairman Clark Jahnke and Police Officer James Hinton.

IT WAS MOVED BY HODGES and seconded by MYERS to excuse the absence of Councilmember Mathews.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by HODGES to approve the minutes of the August 1, 2005 regular meeting minutes as submitted.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY PFALLER and seconded by MYERS that the bills and accounts payable be allowed and the warrants issued.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

<u>BILLS AND ACCOUNTS PAYABLE (08/15/05)</u>	
GENERAL FUND	\$79,717.45
MAJOR STREET FUND	50.72
LOCAL STREET FUND	2,588.23
HISTORIC DISTRICT FUND	1,306.00
DDA FUND	10,994.60
CITY HALL CONSTRUCTION FUND	250.00
AIRPORT FUND	1,072.29
WASTEWATER FUND	76.17
WATER FUND	7,807.00
EQUIPMENT FUND	2,594.82
CURRENT TAX FUND	31,330.56
LEE FUND	210.00

Item #1. **AMENDMENTS TO PROVISIONS REGARDING MINING IN THE ZONING ORDINANCE – RECOMMENDATION FROM THE PLANNING COMMISSION – PUBLIC HEARING – PROPOSED TO BE TABLED.** City Manager Pasquale explained City Attorney Richard Wendt has not had the opportunity to discuss the proposed mining ordinance with Chairman Jahnke before this meeting.

IT WAS MOVED BY HODGES and seconded by MYERS to table the public hearing as well as consideration of the mining ordinance until the September 6th, 2005 meeting.

YEA: 4. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #2. **REPORT REGARDING ORIDNANCE REVIEW INVOLVING VICIOUS DOGS.** Police Chief Jim Valentine explained he and City Manager Pasquale have reviewed various ordinances from around the State pertaining to animals running at large. Valentine stated the City's ordinance covers the basic elements which forbid dogs running at large. Further, it addresses that a vicious dog must be on a leash and muzzled. Valentine believed it was important to remain non discriminative of breed. He noted some communities require insurance, if an animal is identified as vicious. In addition to requiring insurance, the City could decriminalize the ordinance making the process much easier.

Mayor Shores believed any breed could become vicious. She would be in favor of the ordinance as written. Shores questioned when a dog is considered vicious as well as who determines this. Valentine explained the ordinance describes a vicious animal as any dog without provocation which has bitten a person or other domestic animal.

Mayor Pro Tem Myers believed it was important to not address a specific breed.

Shores inquired regarding the number of dog bites and complaints. Valentine stated the department handles many dog complaints pertaining to barking or running at large. There is only a small amount of injuries reported each year.

Shores questioned the amount of work to request additional insurance. Valentine explained an appeal process would take place through the Mayor or Council.

Councilmember Pfaller believed many cases would involve insurance being placed on the animal after an attack. Valentine noted insurance could also be placed upon identifying an animal based on the appearance and temperament.

Shores did not believe the City needed to request insurance, but rather educate people on what to do if they believe a dog is a danger. Valentine stated authorities are to be notified, if a dog bites an individual. The owner should confine the dog for 10 days to be sure it is not ill.

By general consensus, the Councilmembers agreed the ordinance should remain as is and allow staff the option to decriminalize the statute if necessary.

Item #3. **PRESENTATION OF THE KENT DISTRICT LIBRARY ANNUAL REPORT.** Jane Aronson, Branch Manager of the Englehardt Public Library provided an annual report of the library. The following were noted:

- replaced ceiling light bulbs
- repaired handicapped door
- amount of visitors, checkouts, and card holders have increased
- a grant of \$8,000 which received from the Lowell Area Community Fund to refurbish and renovate the teen area of the library
- improvements made to the early literacy area of the library
- most attended program of the summer involved the pet show with 69 individuals

Aronson thanked the community for supporting the building as well as Cemetery Sexton/Maintenance Worker Don DeJong for all of his help.

Kent District Library Director Martha Smart noted Aronson is a fine branch manager. The library also has a wonderful staff of individuals. Mayor Pro Tem Myers is a member of the Kent District Library Board. Myers gives many hours of time to the board. His expertise and leadership are appreciated.

Smart indicated there are 18 branches serving Kent County, with 61% of its residents having a library card.

One of the major efforts of the library system is the one book one county program involving everyone reading the same book. This is the third year of the program and involves thousands of people throughout the county. The library has also launched a digital e-book collection. These can be downloaded to a computer or burned onto a CD. Mayor Pro-Tem Myers stated he has downloaded a book. It gives the ability to enlarge the print or have the text scrolled. Smart stated one could also download an auto version.

Smart also noted the federal grant received for the Kent County Library. This will allow the district to hire an early literacy specialist for a period of just over one year. These individuals make presentations to parents, caregivers and service providers teaching them how to prepare young children to be successful in school. Additional funding is being sought to keep the program going into next year.

The library is also beginning to use RFD (Radio Frequency Identification Technology). This program involves micro chips being placed in all library materials. This process allows items to be checked in and out very quickly as well as self check out machines.

Smart thanked the taxpayers for supporting the millage request last year, which was approved for 10 years.

Mayor Pro-Tem and Kent District Library Boardmember Chuck Myers stated the library system fully embraces technology and has learned to take advantage of it. This process also allows the staff more freedom to work with the public.

Mayor Shores stated she appreciates the library. She noted the teen center is very attractive.

No further comments were received.

Item #4. **TRAFFIC ORDER CHANGE TO HIGH STREET BETWEEN MONROE AND WASHINGTON.** Police Chief Jim Valentine commented on the request from Larry Mikulski, Transportation Director of Lowell Area Schools to change High Street between Monroe and Washington back to a one way street west to east. In research, the department was unsure when the street was changed to a two way street. The amount of offerings to preschool children has increased at the administration building. Mikulski is concerned about the amount of traffic congestion during peak times when children are being dropped off or picked up. Valentine did not see any problem having this a one way street, other than educating the public on which direction to travel. Public Works Director Dan DesJarden has indicated it would cost the department approximately \$400 to re-sign the area.

Mayor Pro Tem Myers inquired if parking was allowed on the north side of High Street. Valentine responded yes. Myers asked if this would have negative impact on the residents along the north side of High. Valentine stated one owner was in favor of this concept with the issue that parking would be forbidden on the south side of the street.

By general consensus, the Council agreed to the traffic order change to High Street between Monroe and Washington to one way east.

Item #5. **MONTHLY REPORTS.** Councilmember Pfaller questioned if an error was listed under the number of responding to medical calls for July 2004. City Manager Pasquale stated he would check with the fire department.

Item #6. **CITIZEN COMMENTS.** No comments were received.

Item #7. **COUNCIL COMMENTS.** Councilmember Hodges stated the Kent County Youth Fair went very well.

Councilmember Pfaller noted the many hours preparing for the fair. He commended all involved on a job well done.

Pfaller commented on the Parks and Recreation Commission meeting recently held at Creekside Park. An analysis will be completed as to how many individuals use the park who live in the City as opposed to living in the townships.

Mayor Pro Tem Myers also commented on the fair. He noted in 2004 the figure for the total auction was approximately \$360,000 worth of animals sold.

He also said his term serving on the Kent District Library expires in December, at which time he would ask for approval from the City Council for another term.

Mayor Shores stated the fair was very good. She also thanked the Councilmembers who attended the opening ceremony.

Shores also commented on how attractive the Foreman building was. She thanked Earth Tech for the donation of the paint.

Pasquale noted the new sign at the fairgrounds.

Pasquale read a letter into record from Mike Larkin concerning a chili cook off as held in previous years. Monies received will be donated to the Anna Organek Fund. He requested the closure of Broadway Street, from the alley to Main Street, on Saturday, October 8, 2005 from 7 a.m. to 8 p.m.

By general consensus the Council agreed.

Item #8. **MANAGER'S REPORT**. City Manager Pasquale reported on the following:

1. The following boards and commissions meetings are enclosed:
 - Light and Power and Cable TV Boards meetings minutes of June 30, 2005
 - Airport Board meeting of July 12, 2005
 - Chamber of Commerce meeting of July 12, 2005
 - Merchants Committee meeting of August 10, 2005
2. Because of the observance of Labor Day, City offices will be closed on Monday, September 5, 2005. The next City Council meeting is scheduled for Tuesday, September 6, 2005.

Item #9. **APPOINTMENTS**. Mayor Shores noted the vacancy on the Planning Commission. Interested individuals may submit a letter to City Clerk Betty Morlock.

IT WAS MOVED BY MYERS to adjourn at 8:28 p.m.

DATE:

APPROVED:

C. Jeanne Shores, Mayor

Betty R. Morlock, Clerk